

2-25-02

GAU 1644

146.1358

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
S. KAWAI et al
Serial No.: 09/701,121
Filed: November 20, 2000
For: MONOMER CARTILAGE AND BONE

N.P. Huynh

Group: 1644

600 Third Avenue
New York N.Y. 10016
February 21, 2002

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RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the office action of January 29, 2002, Applicants request reconsideration of the application in view of the remarks presented herein.

The claims in the application are claims 1 to 12, no other claims having been presented.

The Examiner has required a three-way restriction requirement between claims 1 to 4 and 6 to 10 drawn to a monomer protein comprising an amino acid sequence of SEQ ID No: 2, claim 5 drawn to a method of making a monomer protein comprising host cell DNA and plasmid and claims 11 and 12 drawn to a method of treating osteoporosis using a monomer protein of SEQ ID No:2.

Applicants respectfully traverse the three-way restriction requirement since it is not believed that the Examiner's reason for requiring restriction are proper. The Examiner has stated that

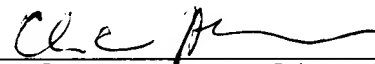
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D. Nakamura
UNITED STATES PATENT & TRADEMARK OFFICE

Applicant's invention did not contribute a special technical feature when viewed over the prior art and therefore, they do not have a single inventive concept and lack unity of invention. It is not seen what possible distinctions thereover has to do with the question of whether or not the restriction is proper. It should be noted that this is a 371 of the PCT application and it is deemed that the unity of invention found by the PCT has all the claims examined together. However, in order to be fully responsive to the office action, Applicants elect with a vigorous traverse claims 1 to 4 and 6 to 10 and request that all of the claims be examined together.

Since the first office action was merely a restriction requirement and the application has been pending since November 2000, a prompt examination on the merits is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:


Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Encl.: Return receipt postcard